

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN A. ROBINSON, JR.,

Plaintiff,

**1:10-cv-592
(GLS/CFH)**

v.

CHAD A. RICE et al.,

Defendants.

SUMMARY ORDER

Plaintiff *pro se* John A. Robinson, Jr. commenced this action in 2010 pursuant to 42 U.S.C. § 1983, alleging that certain of his constitutional rights were violated in relation to three arrests of him in 2008. (Dkt. No. 1.) All that remains are claims against defendants Town of Bethlehem, and police officers Chad A. Rice, Michael S. Whiteley, and Christopher A. Hughes (collectively “defendants”). (2d Am. Compl., Dkt. No. 19.) In November 2013, defendants moved for summary judgment on all remaining claims. (Dkt. No. 59.) As required by the Local Rules of Practice within this District, see N.D.N.Y. L.R. 56.2, defendants provided Robinson with notice of the consequences of failing to respond to their motion. (*Id.*) Additionally, the court provided Robinson with a similar

notification. (Dkt. No. 64.) Robinson's response was due by December 16, 2013.

By letter motion, dated December 14, 2013, Robinson sought a seven-day extension of time to file his response. (Dkt. No. 65.) The court granted the motion, and afforded Robinson until December 26, 2013 to file a response. (Dkt. No. 66.) On January 2, 2014, with no response forthcoming from Robinson, defendants moved for dismissal based upon Robinson's failure to respond. (Dkt. No. 67.) The court thereafter provided Robinson a final extension of time, permitting him to oppose defendants' motion by January 22, 2014. (Dkt. No. 69.) Robinson has again failed to file any response, leaving defendants' properly supported motion, which includes a statement of material facts as required by Local Rule 7.1(a)(3), (Dkt. No. 59, Attach. 2), unopposed.

Notwithstanding Robinson's failure to respond, the court has carefully reviewed defendants' arguments in support of its motion for summary judgment. (Dkt. No. 59, Attach. 1 at 2-22.) Finding no material facts in dispute, and for the reasons articulated by defendants, (*id.*), defendants have met their burden under Rule 56 of the Federal Rules of Civil Procedure, summary judgment is granted, and the second amended

complaint is dismissed.

Accordingly, it is hereby

ORDERED that defendants' motion for summary judgment (Dkt. No. 59) is **GRANTED**; and it is further

ORDERED that Robinson's second amended complaint (Dkt. No. 19) is **DISMISSED**; and it is further

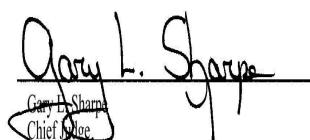
ORDERED that defendants' letter motion (Dkt. No. 67) is **DENIED** as moot; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

February 3, 2014
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court